

## REMARKS

The Examiner is thanked for the examination of the application. In view of the remarks that follow, the Examiner is respectfully requested to reconsider and withdraw the outstanding rejections.

A new title is submitted as requested.

Claims 1 – 3, 8 – 11, and 15 – 17 have been rejected under 35 USC 103(a) as being allegedly unpatentable over US 2003/0081261, hereinafter *Tanimoto*, in view of US 2005/0018239, hereinafter *Endo*.

In response to a previous rejection based on *Tanimoto*, claims 1, 8, 9, and 17 were amended to clarify that the external apparatus or server is accessed in response to a determination that the power-saving mode has been deactivated. For a preferred exemplary embodiment, the Examiner's attention is directed to step S103 in Figure 6 of the present application, wherein if a determination has been made that the power-saving mode is deactivated, the process continues toward step S105 - accessing the mail server. However, the present invention is not limited to the preferred disclosed embodiments.

As recognized in the Official Action, *Tanimoto* does not teach or suggest a communication control unit that determines if the power-saving mode is deactivated and controls the communication unit to make an access to the external apparatus while the power-saving mode is deactivated in response to a determination that the power-saving mode is deactivated. To overcome this deficiency, the Official Action relies on *Endo*. The Official Action alleges that *Endo* teaches a communication control unit that determines if the power-saving mode is deactivated and controls the communication unit to make an access to the external apparatus while the power-

saving mode is deactivated in response to a determination that the power-saving mode is deactivated, citing page 6, paragraphs 78 – 81, of *Endo*.

However, in sharp contrast to the characterization of *Endo* set forth in the Office Action, *Endo* does not overcome the deficiency of *Tanimoto*. *Endo* relates to avoiding resetting a laser printer at a time when such a resetting is not needed. As set forth in the Abstract, reducing the number of reset processes, when not needed, lowers the running cost. To accomplish this goal, the *Endo* system enables the operator to select either an input prime signal valid mode or an input prime signal invalid mode. See paragraph [0063]. If the invalid mode has been set, the reset process is bypassed, as evidenced by a YES response to decision block S1 in Figure 4. In that case, a determination is not even made to see if the system is in sleep mode.

If the valid mode has been set, YES at step S3 of Figure 4, the system is directed to the flowchart in Figure 5. If the system is in sleep mode, YES at S8 in Figure 5, the system cancels the sleep mode and begins the warm-up operation. If the system is not in sleep mode while the valid mode has been set, NO at step S8, then the reset process is ended, and no further action is taken.

Thus, *Endo* **does not initiate any action** in response to a determination that the power-saving mode is deactivated. Accordingly, the description of *Endo* in the Office Action is incorrect. *Endo* does not teach or suggest a communication control unit that controls the communication unit to make an access to the external apparatus while the power-saving mode is deactivated in response to a determination that the power-saving mode is deactivated

Applicants reserve the right to further challenge the Examiner's analysis of *Endo*, and/or the reasons for combining *Endo* with *Tanimoto* at a later time, if necessary and appropriate.

In contrast to amended claims 1, 8, 9, and 17, the applied prior art, either singly or in combination, does not teach or suggest a step of determining whether the power-saving mode is deactivated and controlling the communication unit to make an access to the external apparatus while the power-saving mode is deactivated in response to a determination that the power-saving mode is deactivated.

Accordingly, claims 1, 8, 9, and 17 clearly distinguish over the applied prior art. The remaining dependent claims are patentable at least for the reasons set forth above with respect to the independent claims.

Claims 4 - 7 and 12 - 14 have been rejected under 35 USC 103(a) as being unpatentable over *Tanimoto* in view of *Endo*, and further in view of USP 6,744,780, hereinafter *Gu*. However, the teachings in *Gu* relied upon by the Examiner do not overcome the deficiencies of *Tanimoto* and *Endo* discussed above. Accordingly, claims 4 - 7 and 12 - 14 are also patentable over the applied prior art.

Applicants reserve the right to challenge the Examiner's analysis of *Gu*, and/or the reasons for combining *Gu* with *Tanimoto* and *Endo* at a later time, if necessary and appropriate.

Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejections.

In the event that there are any questions concerning this Amendment, or the application in general, the Examiner is respectfully urged to telephone the undersigned attorney so that prosecution of the application may be expedited.

Respectfully submitted,

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Date: March 31, 2009

By:

A handwritten signature in cursive script, appearing to read "William C. Rowland", written over a horizontal line.

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